

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ MAR 20 2019 ★

THOMPSON, *et al.*,

BROOKLYN OFFICE

Plaintiffs,

- against-

**MEMORANDUM DECISION
AND ORDER**
1:18-CV-00006 (AMD) (ST)

PARK,

Defendant.
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ANN M. DONNELLY, United States District Judge:

On January 2, 2018, the plaintiffs commenced this civil action alleging violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*, and the New York Labor Law. (ECF No. 1.) The plaintiffs served the defendant with the complaint on January 25, 2018. (ECF No. 6.) The defendant did not appear in the action or answer the complaint. The plaintiffs obtained a certificate of default from the Clerk of Court on March 20, 2018. (ECF No. 9.)

On May 8, 2018, the plaintiffs moved for default judgment. (ECF Nos. 11-13.) I referred the motion to Magistrate Judge Steven Tiscione for a Report and Recommendation (“R&R”). On March 5, 2019, Judge Tiscione issued a thorough and well-reasoned R&R, recommending that I deny the plaintiffs’ motion without prejudice and grant the plaintiffs leave to amend their complaint. (ECF No. 14.) No objections have been filed to the R&R, and the time for doing so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only

satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F.Supp.2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted).

I have carefully reviewed Judge Tiscione’s thoughtful and cogent R&R, and find no error. Accordingly, I adopt the R&R in its entirety. The plaintiffs’ motion is denied without prejudice and the plaintiffs are granted leave to file an amended complaint within 30 days of this Order.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
March 20, 2019